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N E W - L O N D O N :
Printed by TIMOTHY GREEN,
Printer to the GOVERNOR and COMPANY of the STATE of CONNECTICUT.
M P C C L X X X I V .

ACTS AND LAWS.

36

Deer.

Debts liable to be taken as well as the effects of absconding debtors.

Proviso.

Effects thus taken out of the hands of the factor, &c. shall discharge him from the principal.

And he may plead the general issue, & give this act in evidence.

entered up against him of his own proper Goods or Estate, as though it was his own Debt, and Execution shall, in usual Form of Law, be granted thereon.

That Debts due to any such absent or absconding Debtor, shall be considered as his Effects in the Hands of the Person from whom the same are due; who shall be considered as his Agent or Trustee, and be obliged to account for the same under Oath; and Recovery may be had against him in the same Manner as for Goods or Chattels of such absconding Debtor.

Provided nevertheless, That if upon Trial, it appear that the Person summoned by such *Scire Facias*, had, or hath not, any Goods or Effects of the Debtor in his Hand, nor hath any ways remitted, transferred, disposed of, or converted the same after the serving the Suit taken out against his Principal, and served as aforesaid; the Party that commenced the Suit by *Scire Facias*, shall pay Cost to such Attorney, Factor, Agent or Trustee, to be allowed and taxed by the Court in usual Form.

And be it further enabled by the Authority aforesaid, That the Goods or Effects of any absent or absconding Debtor, taken as aforesaid, by Process and Judgment of Law out of the Hands of his Attorney, Factor, Agent or Trustee, by any of his Creditors, shall fully acquit and discharge such Attorney, Factor, Agent or Trustee, his Executors and Administrators, from all and every Action, Suit, Trial, Payment and Demand whatsoever, that may be brought, commenced or made by his Principal, his Executors or Administrators, of, or for the same.

And if any such Factor, Agent or Trustee, his Executors or Administrators, shall be molested, troubled or sued by his Principal, for any Thing by him done, in compliance with this Act, he or they may plead the general Issue, and give this Act in Evidence for his Justification.

An Act for the preservation and increase of Deer; and for the encouragement of keeping them in Parks, or other Inclosures.

Preamble.

WHEREAS the killing of Deer at unseasonable Times of the Year, is very Prejudicial to the public Good; the Flesh and Skins being then but of little Value, and their Increase greatly hindered:

Penalty for killing deer in certain seasons.

BE it therefore enabled by the Governor, Council and Representatives, in General Court assembled, and by the Authority of the same, That no Person or Persons, Indian or others, shall kill any Deer within this State, at any Time in the Months of *January, February, March, April, May, June or July*, on Penalty of paying a Fine of *four Pounds*; one Half to any Person that shall give Information thereof, and prosecute the same to Effect, and the other Half to the Treasury of the Town where the Conviction is had. And any one Assistant, or Justice of the Peace, is hereby authorized to hear and determine any Offences against this Act; and may grant Execution on such Judgment, for the Fine and Cost in common Form: Or if the Person be unable to pay the same, the said Authority may dispose of him in Service for that Purpose, for a Term not exceeding four Months.

Upon complaint, search-warrant to issue, &c.

And it shall and may be lawful for any Assistant or Justice of the Peace, on just Suspicion being shewn that any Deer hath been killed contrary to this Act, to grant a Warrant to search for the Venison or Skins, in the same Manner as in the Case of stolen Goods, that such Offenders may be detected.

And in case any Venison or Skins of any Buck, Doe or Fawn, newly killed, shall be found with or in the Possession of any Person, he shall be judged

ACTS AND LAWS.

Deer.

37

judged guilty of killing such Deer; unless such Person can satisfy the Authority before whom the Trial is, of his Innocency, by giving a satisfactory Account how the same came into his Possession, and that he did not kill such Deer, nor was aiding or assisting therein.

And the Grand Jurors in the respective Towns, shall enquire after, and inform of all Breaches of this Act: And on Conviction of the Person or Persons informed against, shall be entitled to one half of the Penalty aforesaid.

Provided, That nothing in this Act shall be understood to prohibit Persons killing their own Deer, by them kept in Parks or Inclosures.

And whereas sundry Persons in this State, have erected Parks or Inclosures for keeping and preserving Deer, which is likely to be for the Public Good, and more may be erected for the same Purpose:

Therefore, For the Encouragement and Security thereof,

Be it further enacted by the Authority aforesaid, That if any Person or Persons shall kill or destroy any Buck, Doe or Fawn kept in any Park or Inclosure in this State; or shall course, chase, hunt or wound any such Deer; or shall wilfully pull up or throw down any Fence, Gates or Bars inclosing such Park or Inclosure whereby such Deer may escape, without Leave from the Owner or Owners thereof; or shall be aiding or assisting therein, every such Person or Persons shall, for every such Trespass in killing or destroying such Deer, forfeit and pay to the Owner or Owners thereof *seven Pounds*, besides the Price of such Deer so killed or destroyed.

And for every such Trespass in coursing, chasing, hunting or wounding such Deer, whether such Deer be found without or within the Park, if it shall appear that the Person committing such Trespass knew, or had good Reason to think that such Deer belonged to the Owner of the Park, shall forfeit and pay, as aforesaid, the Sum of *thirty Shillings*, besides all such Damages as shall be sustained by such coursing, chasing, hunting or wounding.

And for every such Trespass in so pulling up, opening or throwing down any Fence, Gates or Bars, as aforesaid, shall forfeit and pay to the Owner or Owners of such Park or Inclosure, the Sum of *thirteen Pounds* besides all such Damages as shall accrue thereby.

And for further Encouragement of keeping Deer in Parks, and to prevent their being destroyed when by any Accident they get out of the Park;

Be it further enacted, That no Person shall course, chase or kill any Deer within two Miles of any Park wherein Deer are kept, except the Owner of the Park or by his Licence, on Pain of forfeiting *ten Pounds* to the Owner of such Park.

Which several Penalties, Forfeitures and Damages, shall and may be recovered by Action, Bill, Complaint or Information.

Upon Conviction of the Trespasser or Trespassers, and in the Trial of any and every Action brought for any of the Trespasses in this Act mentioned; relating to Parks, or the Deer in them, the Court before whom such Cause shall be brought, may proceed according to the Method provided in the sixth Paragraph of the Law, entitled, "*An Act for deterring and punishing Trespasses in divers Cases, and directing Proceedings therein.*"

Provided nevertheless, That if the Defendant in any such Action be an Indian, or other Person ignorant of the Nature of an Oath, then, such Court shall refuse his Oath to discharge him, and shall proceed on the Defendant's Part to enquire according to, and by any other proper Evidence that may be produced by the Defendant.

And if veni-
sons, &c. is
found in the
possession of
any one, li-
able, unless,
&c.

Who to
make pre-
sentment.

Proviso.

Penalty of
7l. for kil-
ling deer in
any park,
&c.

30s. for chaf-
ing, &c.

13l. for
breaking
the inclo-
sure of any
park, &c.

10l. fine for
chasing, &c.
any deer
within two
miles of any
park.
Recoverable
by bill, &c.

Trial to be
had in the
same man-
ner as di-
rected in the
law against
trespassers,
&c.

Proviso.